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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
SAXENA, AKASH	

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,268	WANT ET AL.	
	Examiner	Art Unit	
	Akash Saxena	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 December 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-36 have been presented for examination based on the application filed on 18th December 2001.

Claim Interpretation

2. "Portable device" disclosed in claim 1,12,20 and 29 as best understood by examiner could be a laptop computer or a PDA.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 600-699 in Figure 6 are not present and referred to in specification.
Further, There seems to be a discrepancy between Figure 3 flow chart and description of the flow provided in specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Numeral 90 in Figure 3 is not present (Specification: Page 7 2nd paragraph). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Title of the application

5. The title "Method and device for emulating electronic apparatus" of the invention is not descriptive. A new title is required that is clearly indicative. See MPEP 606.01 ¶ 6.11.

 Examiner respectfully suggests alternative title "Method and device for emulating electronic apparatus in a mobile server-stationary client configuration".

Specification

6. The disclosure is objected to because of the following informalities: The sentence described in specification (Page 10 Line 16-17) seems incomplete (...access a particular...). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 5, 12, 16, 20, 24, 29, 33 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,292,181 issued to Biswa R. Banerjee et al (Banerjee '181 hereafter).

Regarding Claim 1

Banerjee '181 teaches a wireless communication module on a portable device as XMIT/RCVR module (Banerjee '181: Figure 1a, Element 114) communicating with a separate access device (Banerjee '181: Figure 1a, Element 101) in a wireless fashion (Banerjee '181: Figure 3a, Element 301). Banerjee '181 also teaches a data storage module as to store emulation data as a memory element (Banerjee '181: Figure 1a, Element 111; Col. 11, Lines 15-23). Further Banerjee '181 teaches a controller to control the communication of the emulation data to access device as RF controller (Banerjee '181: Figure 1b, Element 114b).

Regarding Claim 5

Banerjee '181 teaches a wireless communication module to communicate over limited range by access points in a packetized peer-to-peer networking technique using radio frequency (Banerjee '181: Col.6, Lines 51-53, 56-68).

Regarding Claim 12

System claim 12 is directed towards the same limitations as the claim 1 and is rejected for the same reason as claim 1. Further Banerjee '181 indicates that devices have indicators indicating then they are in range to communicate (Banerjee '181: Col. 11, Lines 35-38).

Regarding Claim 16

Claim 16 is directed towards the same limitations as the claim 5 and is rejected for the same reason as claim 5.

Regarding Claim 20

Method claim 20 is directed towards the same limitations as the claim 1 and is rejected for the same reason as claim 1.

Regarding Claim 24

Claim 24 is directed towards the same limitations as the claim 5 and is rejected for the same reason as claim 5.

Regarding Claim 29

Claim 29 is directed towards the same limitations as the claim 1 and is rejected for the same reason as claim 1.

Regarding Claims 33 & 37

Claims 33 & 27 are directed towards the same limitations as the claim 5 and are rejected for the same reason as claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 2-4, 13-15, 21-23 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,292,181 issued to Biswa R. Banerjee et al (Banerjee '181 hereafter) in view of U.S. Patent No. 6,654,032 issued to Min Zhu et al (Zhu '032 hereafter), further in view of U.S. Application No. 09/755,669 filed by Srinivas Patwari (Patwari '669 hereafter).**

Regarding Claim 2

Banerjee '181's teachings are disclosed in the claim 1 above. Banerjee '181 does not teach transferring the display data from portable computer to access computer.

Zhu '032 teaches a method in which display data is sent to the remote client(s) for display (Zhu '032: Col.2, Lines 17-22) and possible feedback as well (Zhu '032: Figure 11; Col.7, Lines 65-67; Col.8 Lines 1-34).

It would have been obvious to one (e.g. a designer) of ordinary skill in the art at the time the invention was made to combine the teachings of Zhu '032 with Banerjee '181 to transfer display data from portable device to access computer wirelessly. The motivation would have been Zhu '032 teaches transferring display data wirelessly using RF (Radio Frequency) (Zhu '032: Col.9 Lines 20-24) and receiving input from client (access computer) (Zhu '032: Figure 11; Col.7, Lines 65-67; Col.8 Lines 1-34), thus enabling communication between Banerjee '181's system.

Banerjee '181 and Zhu '032 do not teach this display data to be display layout of an emulated application specifically but point out any application based (Abstract: Lines 1-15) display can be sent to the client machine irrespective of the what kind of data is displayed.

Patwari '669 teaches BREW, a Java based windows application. BREW can be programmed to emulate an electronic device with a windows based interface that can simulate the display-layout of the actual electronic apparatus being emulated (Patwari '669: Background [0003], Lines 1-4; Summary Of Invention [0003] [0004] [0005]).

It would have been obvious to one (e.g. a designer) of ordinary skill in the art at the time the invention was made to combine the teachings of Patwari '669 with Banerjee '181 and Zhu '032 to emulate an electronic apparatus using BREW, run the application on the portable electronic device as described by the Banerjee '181 and have the application control available to control the application executing o portable device. The motivation would have been that Patwari '669 teaches that this is a Java based application that can be run on windows (Patwari '669: Background [0003]) to emulate any user operable device with benefits to configure the skins (Patwari '669: Detailed Description [0023][0024]) and Zhu '032 teaches that display data for the emulated device can sent to the access machine using browser based technology where access machine can provide feed back which is acted upon by the client (portable device) to update the access machine (Zhu '032: Col.2, Lines 23-33). Hence the application of the above references seamlessly integrates the display and feedback from the emulated electronic device that is emulated on portable device and controlled from access device.

Regarding Claim 3

Patwari '669 teaches display data to be various skins, which can build and updated using skin-configurator improving the ergonomic value of the BREW applet (Patwari '669: Background [0002], Lines 10-17).

Regarding Claim 4

Patwari '669 teaches that emulated device display has buttons, when clicked perform the functions as defined by the attributes of that button (Patwari '669: Detailed Description [0023]). These buttons appear on the access device when used with Zhu '032 teachings and have the same feedback and response effect.

Regarding Claims 13, 21 and 30

Claims 13, 21 and 30 are directed towards the same limitations as the claim 2 and are rejected for the same reason as claim 2.

Regarding Claims 14, 22 and 31

Claims 14, 22 and 31 are directed towards the same limitations as the claim 3 and are rejected for the same reason as claim 3.

Regarding Claims 15, 23 and 32

Claims 15, 23 and 32 are directed towards the same limitations as the claim 4 and are rejected for the same reason as claim 4.

9. Claims 6, 11, 17, 25, 28, 34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,292,181 issued to Biswa R. Banerjee et al (Banerjee '181 hereafter) in view of U.S. Application No. 09/742,278 filed by Doreen Yining Cheng (Cheng '278 hereafter).

Regarding Claims 6 & 11

Banerjee '181's teachings are disclosed in the claim 1 above. Banerjee '181 teaches that communication happens using wireless protocol but is silent on the teachings if the protocol used is Bluetooth IEEE 802.15 or IEEE 802.11b. Further, Banerjee '181 does not also disclose if the communication is happening using Universal-Plug-and-Play (UPnP) standards.

Cheng '278 teaches that multiple standards like Bluetooth IEEE 802.15, USB, Home RF which are not IP enabled can be used to wirelessly communicate with using UPnP standards with the use of disclosed UPnP device (Cheng '278: [0018]).

It would have been obvious to one (e.g. a designer) of ordinary skill in the art at the time the invention was made to use the teachings of Cheng to combine with the teachings of Banerjee '181 with motivation to make non UPnP devices (E.g. portable device) communicate with UPnP devices (E.g. PC) using Bluetooth as suggested by the Cheng '278 (Cheng '278: Figure 1).

Regarding Claims 17, 25 and 34

Claims 17, 25 and 34 are directed towards the same limitations as the claim 6 and are rejected for the same reason as claim 6.

Regarding Claims 28 and 38

Claims 28 and 38 are directed towards the same limitations as the claim 11 and are rejected for the same reason as claim 11.

10. Claims 7, 8, 9, 18, 19, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,292,181 issued to Biswa R. Banerjee et al (Banerjee '181 hereafter) in view of "winamp.com, Winamp 2.05, Nov 15, 1998" retrieved from http://web.archive.org for site http://www.winamp.com on march 31, 2005 (Winamp 2.05 hereafter).

Regarding Claim 7

Teachings of Banerjee '181 are disclosed in claim 1. Banerjee '181 does not teach access device to have a multimedia interface with access device getting emulation data from portable device.

Winamp 2.05 teaches that Winamp is multimedia interface (Winamp 2.05: Comment 1) that can receive emulation data like skins (Winamp 2.05: Comment 3) from another device.

It would have been obvious to one (e.g. a designer) of ordinary skill in the art at the time the invention was made to use the teachings of Winamp 2.05 and use them with Banerjee '181 teachings of sending information from portable device to access device. The motivation would be that Winamp 2.05 could accept skins and music from various sources by downloading it (Winamp 2.05: Comment 3).

Regarding Claim 8

Teachings of Banerjee '181 and Winamp 2.05 are disclosed above in claim 7. Winamp 2.05 defines the user interface (Winamp 2.05: Comment 3). Further, Winamp 2.05 teaches that it can receive audio data (MIDI) by HTTP streaming (Winamp 2.05: Comment 2).

Regarding Claim 9

Teachings of Banerjee '181 and Winamp 2.05 are disclosed above in claims 7 & 8. Winamp 2.05 along with Banerjee '181 teaches that portable machine could emulate the functionality of MP3 player as Winamp can run on windows based systems (Winamp 2.05: Comment 5).

Regarding Claim 18

Claim 18 is directed towards the same limitations as the claim 9 and is rejected for the same reason as claim 9.

Regarding Claim 19

Claim 19 is directed towards the same limitations as the claim 8 and is rejected for the same reason as claim 8. Downloading skins on a Winamp is considered as downloading text and numeric data.

Regarding Claim 26

Claim 26 is directed towards the same limitations as the claim 7 and is rejected for the same reason as claim 7.

Regarding Claim 35

Claim 35 is directed towards the same limitations as the claim 9 and is rejected for the same reason as claim 9.

11. Claims 10, 27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6292181 issued to Biswa R. Banerjee et al (Banerjee '181 hereafter) in view of "winamp.com, Winamp 2.05, Nov 15, 1998" retrieved from http://web.archive.org for site http://www.winamp.com on march 31, 2005 (Winamp 2.05 hereafter), further in view of U.S. Patent No. 6,233,611 issued to Harold Aaron Ludtke et al (Ludtke '611 hereafter).

Regarding Claim 10

Teachings of Banerjee '181 and Winamp 2.05 are disclosed above in claim 7. Banerjee '181 does not teach the assessing capabilities of the access device before communicating.

Ludtke '611 teaches a creating a device profile relating to capabilities and requirements of device and ascertains that resources are available to handle the multimedia requirements (Ludtke '611: Abstract Lines 4-9, 15-19, Figure 5 & 6).

It would have been obvious to one (e.g. a designer) of ordinary skill in the art at the time the invention was made to use the teachings of Ludtke '611 and apply them to Banerjee '181 to access the capabilities of the destination before transmitting the data. The motivation to combine would be that Ludtke '611 teaches basis how to create destination profiles and compare their availability them before transmitting data, especially multimedia data for devices coupled in a network (Ludtke '611: Abstract Lines 1-3).

Regarding Claims 27 and 36

Claims 27 and 36 are directed towards the same limitations as the claim 10 and are rejected for the same reason as claim 10.

Remarks

12. All claims are rejected.

Relevance of Citations

13. Reference US Patent No. 5,566,069 is also highly relevant as it teaches controlling a graphical simulation of PDA on a host access computer by executing commands on the PDA (Abstract; Col.2, Lines 22-26). It lacks a wireless connection.

14. Reference US Patent Application No. 09/894,917 teaches interactively controlling the GUI that is being executed on one portable machine from another portable machine (Paragraph [0023]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akash Saxena whose telephone number is (571) 272-8351. The examiner can normally be reached on 8:30 - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on (571)272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Akash Saxena
Patent Examiner, GAU 2128
(571) 272-8351
March 31, 2005

JEAN R. HOMERE
PRIMARY EXAMINER